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DECLARATORY AND AMENDING HEALTH RULES, 1892.

[L.S.] HUGH NELSON.

THEODORE DAVIE, *Attorney-General*. WHEREAS by Order in Council dated 11th day of July, A.D. 1892, and by Order in Council dated the 16th day of July, A.D. 1892, His Honour the Lieutenant-Governor was pleased, by virtue of and acting under the "Health Act," to issue certain Rules and Regulations which are styled respectively the "Provincial Health Rules, 1892," and the "Supplementary Provincial Health Regulations, 1892;"

And whereas there may be doubts as to the true construction and intent of the said Rules and Regulations as to the matters hereinafter referred to, and it is expedient to declare the true construction and intent of the said Rules and Regulations as to the said matters;

And whereas expense has been and will be incurred by virtue of the appointment of a Municipal Health Officer for the City of Victoria under the said Regulations, which expense should be met and defrayed by the Corporation of the said City;

And whereas it was and will be necessary to provide proper hospital accommodation for persons found within the City of Victoria afflicted with small-pox, including the services of physicians, nurses, attendants and servants, and including food, bedding, clothing, medicines and other necessities as well as to provide proper places and tents for the reception and isolation of persons exposed to contagion, and generally to employ physicians, officers, men and servants, and to provide food, clothing, bedding, medicines and other necessities to secure the due enforcement and carrying out of the said Rules and Regulations, as well as the provisions of the Consolidated Health By-law, 1886, of the said Corporation relating to contagious and infectious diseases;

And whereas the said Corporation ought to meet and defray all the expenses hereinbefore mentioned;

And whereas the Municipal authorities of the said City are apparently unable or unwilling to make provision for and defray the said expenses, and it is expedient for the Province to make such provision for the time being;

Therefore His Honour the Lieutenant-Governor has, by and with the advice of His Executive Council, been pleased to order and declare, and it is hereby ordered and declared, as follows:—

1. It shall and may be lawful for the Minister of Finance of the Province of British Columbia from time to time to advance in the first instance, out of the Consolidated Revenue of the Province, the sums requisite to meet and defray all salaries, wages, costs or expenses whatsoever incurred, or to be incurred, in connection with the treatment and suppression of small-pox within the said City of Victoria, under the said Rules and Regulations, and under the Consolidated Health By-law, 1886, upon Warrants from time to time duly certified by the Provincial Health Officer, or by the Municipal Health Officer for the said City, appointed under the said Regulations and approved by His Honour the Lieutenant-Governor.

2. The said sums shall be a debt due from the said City of Victoria to Her Majesty, and shall form a charge until fully paid and satisfied upon all the revenues of the said City from whatever source arising.

3. On the third Monday in each month, commencing with the month of August, 1892, or on such other days as shall from time to time be designated by the Lieutenant-Governor in Council, a statement showing the amount so paid out of the consolidated revenue, up to and inclusive of the date of such statement, shall be made up and signed in duplicate by the Provincial

Anditor, and shall be countersigned by the Minister of Finance; one of such statements shall be mailed at Victoria in a prepaid registered letter addressed to the Mayor of the said City.

4. If, within fourteen days from the day of the mailing of such letter, the said City shall not pay into the Provincial Treasury at Victoria the full amount shown by such statement to have been paid, the other of such statements shall be delivered to the Sheriff for the County of Victoria.

5. The said Sheriff shall then proceed to levy execution against the said City for the said amount, in the same manner as if the statement had been a writ of fieri facias upon a judgment of the Supreme Court obtained against the said City, and in the event of his being unable to make the said amount, he shall have full power and authority, in his own name, to sue for, receive and recover any moneys due to the said City, including taxes on real property and license fees, and payment to the Sheriff thereof shall be a good answer in respect of any such moneys, taxes, or license fees, to any action or process brought or taken for the recovery thereof by or on behalf of the said City against the persons paying the same; and such Sheriff shall be, for the purposes of these Rules, and for the collection of moneys due thereunder, a Receiver of all the revenues of the said City, from whatever source arising, and he shall also have the powers and authority conferred by sections 305 to 310, both inclusive, of the "Municipal Act, 1892;" and the Sheriff shall hold the moneys to be recovered or received by him upon trust, in the first place, to pay or retain the costs of levying, recovering, and collecting the same; next in payment in to the Provincial Treasury of the amount so paid out of the consolidated revenue, and the remainder (if any) shall be paid to the said City.

6. Where there is any ambiguity or uncertainty in any of the said Rules or Regulations as to any offence defined, or purporting to be defined, or as to any penalty or punishment imposed, or purporting to be imposed, it shall be and be deemed to have been lawful for the Court making a conviction to convict and adjudicate under section 39 of the said Rules.

7. No conviction, order, or other proceeding, matter or thing made, done, or transacted in or relating to the execution of the said Rules and Regulations, or of these Rules, shall be vacated, quashed, or set aside for want of form, or be removed or removable by certiorari or other writ or process whatsoever into the Supreme Court, and no appeal shall lie in any case from any conviction to any Court by any process whatsoever unless the consent in writing of the Attorney-General thereto shall have been first had and obtained.

8. Notwithstanding anything to the contrary appearing in the said Rules and Regulations the maximum term of imprisonment for any infraction of, or neglect of, or disobedience to, the said Rules and Regulations that shall be awarded by any Court shall be the term of three months and no more.

9. Notwithstanding anything in the said Rules and Regulations appearing to the contrary, and subject to the next preceding Rule, all penalties, whether by way of fine, imprisonment, or otherwise named therein, shall be deemed to be the maximum penalties in respect of the offences for which they are respectively imposed, and it shall be lawful for the Court making any conviction under the said Rules and Regulations, having regard to the circumstances of the offence, to award any less penalty than the maximum.

10. These Rules may be cited as the "Declaratory and Amending Health Rules, 1892."

By Command.

A. CAMPBELL REDDIE,
Deputy Provincial Secretary.

